

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Schools and Libraries	)	CC Docket No. 02-6
Universal Service Support Mechanism	)	
	)	
Application for Review and Waiver	)	
By San Diego (Texas)	)	Application No. 815356
Independent School District	)	

**APPLICATION FOR REVIEW AND REQUEST FOR WAIVER  
BY SAN DIEGO (TX) INDEPENDENT SCHOOL DISTRICT**

Pursuant to section 1.115 of the Commission's rules,<sup>1</sup> the San Diego (Texas) Independent School District (San Diego ISD or Applicant) respectfully requests that the Commission review a decision of the Wireline Competition Bureau (Bureau) to deny Applicant's petition for reconsideration of the Bureau's denial of its request for an extension of the E-rate invoicing deadline.<sup>2</sup> Review is warranted because the Bureau failed to explain what standard it used in deciding the appeal and failed to explain how it applied that standard to San Diego's particular situation. In addition, the Bureau's decision is in conflict with established Commission policy.

---

<sup>1</sup> 47 C.F.R. § 1.115. San Diego ISD also requests that the Commission waive section 1.115(c) of its rules to the extent that the Commission chooses to consider evidence that was unavailable to the Bureau. 47 C.F.R. § 1.115(c).

<sup>2</sup> Funding Request No. 2218045.

## EXECUTIVE SUMMARY

The Bureau denied San Diego ISD's petition for reconsideration on the grounds that it had "fail[ed] to identify any material error, omission, or reason warranting reconsideration, and rel[ied] on arguments that [had] been fully considered and rejected by the Bureau within the same proceeding."<sup>3</sup> It appears that the Bureau may have applied a higher standard of review to the waiver request than it should have. The above-captioned application was for funding year 2011, yet in its denial of San Diego ISD's invoice deadline waiver request the Bureau cited the "extraordinary circumstances" standard that the Commission established in 2014, rather than the less stringent standard that the Commission announced for earlier funding years. It is unclear if that is the case, however, because the Bureau did not articulate the rationale supporting its decision, as it is required to do under the Administrative Procedure Act, and again failed to explain its reasoning when it denied San Diego ISD's petition for reconsideration.

Furthermore, the Bureau's decisions are in conflict with the Commission's established directive that the E-rate program be modernized and streamlined in order to make it easier for applicants to obtain the funding for which they are eligible. San Diego ISD is losing out on funding because it requested and received extensions of the service implementation deadline but failed to obtain an extension of the corresponding invoicing deadline. The effect of the Bureau's decision is to deny San Diego ISD more than \$200,000 in E-rate funding because it failed to satisfy a duplicative paperwork requirement. This outcome is at odds with the Commission's established E-rate policies and directives and is therefore appropriate for review and, we respectfully argue, reversal by the Commission.

---

<sup>3</sup> *Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket No. 02-6, Public Notice, DA 17-198, at 2 n.5 (rel. Feb. 27, 2017) (*February 2017 Public Notice*).

San Diego ISD respectfully requests that the Commission waive the invoicing deadline, along with any other rules necessary to effectuate the requested relief. Even though the “extraordinary circumstances” standard should not have been applied to its waiver request, San Diego ISD nonetheless demonstrated that extraordinary circumstances were present. The implementation delays that San Diego ISD experienced were caused not by a service provider failing to install the E-rate-funded services in a timely fashion, but by a contractor failing to build the school itself. As for the invoicing delays, early in the project the service provider was invoicing USAC for the E-rate services, and San Diego ISD was paying only its post-discount share of 10 percent. Later, the service provider began invoicing San Diego ISD for the entire amount and, without informing San Diego ISD, stopped invoicing USAC for the E-rate funds that would have covered 90 percent of the cost of the project. As a result of San Diego ISD’s provider’s failure to invoice USAC, San Diego ISD was left having paid the entire cost of the services, and unable to invoice USAC for reimbursement for the amount that should have been covered by E-rate funding. Finally, the loss of more than \$200,000 in E-rate funding to a poor school district over a mere paperwork error is not in the public interest, nor does it constitute an effective implementation of Commission policy. A waiver of the rules is therefore appropriate.

## TABLE OF CONTENTS

I.	BACKGROUND .....	5
II.	REVIEW IS WARRANTED BECAUSE THE BUREAU FAILED TO EXPLAIN THE RATIONALE FOR ITS DECISION AND MAY HAVE USED A HIGHER STANDARD THAN THAT ARTICULATED IN THE FIRST MODERNIZATION ORDER.....	7
III.	REVIEW IS WARRANTED BECAUSE THE BUREAU’S DECISION IS INCONSISTENT WITH ESTABLISHED COMMISSION POLICY.....	11
IV.	THE COMMISSION SHOULD WAIVE ITS RULES TO GRANT THE REQUESTED RELIEF .....	13
V.	CONCLUSION.....	15



## **I. BACKGROUND**

San Diego ISD is a remote, economically disadvantaged school district in south Texas, located approximately 60 miles west of Corpus Christi. Pursuant to the above-captioned application, San Diego ISD received a commitment for E-rate funding for funding year 2011 for Priority 2 services for a newly constructed school. As the service implementation deadline—September 30, 2013—approached, delays in construction of the school itself made it impossible to complete the E-rate-funded work by the deadline.<sup>4</sup> San Diego ISD therefore filed a service implementation deadline extension request with USAC on December 9, 2013,<sup>5</sup> which was denied by USAC on February 12, 2014.<sup>6</sup> San Diego appealed that decision, and USAC denied the appeal on January 9, 2015.<sup>7</sup> On February 13, 2015, San Diego ISD filed a request for waiver with the Commission, seeking waiver of the service implementation and invoicing deadlines.<sup>8</sup>

In the meantime, however, San Diego ISD filed FCC Form 500s to extend both the contract expiration date and the service implementation date for the time period that would

---

<sup>4</sup> San Diego's initial implementation deadline was September 2013 because it received its funding year 2011 commitment in December 2012. 47 C.F.R. § 54.507(d)(4)(i).

<sup>5</sup> Exh. 1 ("Submit a Question" submitted by Jeremy Ballew, December 9, 2013). For FY 2013, the FCC Form 500 did not include a place to request a service implementation extension, as it did for later funding years.

<sup>6</sup> Exh. 2 (Administrator's Decision on Implementation Extension Request).

<sup>7</sup> See Exh. 3 (Administrator's Decision on Appeal – Funding Year 2011-2012).

<sup>8</sup> See San Diego ISD Request for Waiver, filed Feb. 13, 2015. Although San Diego ISD filed this request in February 2015, it was not posted in ECFS until May 2015. On June 30, 2016, San Diego ISD filed a supplement to its February 2015 waiver request with the Commission. In its June 2016 supplemental filing, San Diego ISD renewed only its request for a waiver of the invoicing deadline. It no longer needed an extension of the service implementation deadline because it appeared that USAC had already extended that deadline, as explained above. On February 17, 2015, San Diego ISD also submitted a request to USAC for extension of the invoicing deadline. See Exh. 4 ("Submit a Question" Request for Invoice Deadline Extension, submitted to USAC Feb. 17, 2015). Even though its service provider would be invoicing USAC, San Diego ISD believed it would need an invoice extension. USAC denied the latter request on September 18, 2015. See Exh. 5 (USAC Dismissal of Invoicing Deadline Extension Request, Sept. 18, 2015).

correspond with funding years 2014 and 2015.<sup>9</sup> USAC approved the contract expiration date extensions in both cases (until September 30, 2016) but did not specifically address the service implementation requests – either to grant or deny.<sup>10</sup> However, according to a tool on the USAC website – FRNs with Extended Deadlines – the service delivery deadline had been extended through September 30, 2016. San Diego ISD moved forward with the project only because it believed the implementation deadline was extended. San Diego ISD’s service provider completed the work in time to meet this deadline. For Priority 2 services, the installation deadline is September 30 of each funding year.<sup>11</sup> The invoicing deadline is then 120 days after that last day to deliver services. As such, the invoicing deadline should have been January 30, 2017. However, the data retrieval tool shows the last date to invoice as January 28, 2014.<sup>12</sup>

Early in the project, in 2013, the service provider (then called Calence, later called Insight) used the service provider invoice (SPI) process.<sup>13</sup> However, when construction resumed in 2016, when Insight billed San Diego ISD for the services, it billed the entire amount for the services instead of just San Diego ISD’s post-discount share, as it had done in the beginning.

On October 28, 2016, the Bureau denied San Diego ISD’s February 2015 waiver request in a streamlined public notice, citing the *First Modernization Order* for the proposition that “it is generally not in the public interest to waive the Commission’s invoicing rules absent

---

<sup>9</sup> See Exh. 6 (Form 500, dated December 5, 2014); Exh. 7 (Form 500, dated September 21, 2015).

<sup>10</sup> See Exh. 8 (USAC Form 500 Notification Letter, Dec. 30, 2014); Exh. 9 (USAC Form 500 Notification Letter, Nov. 23, 2015).

<sup>11</sup> 47 C.F.R. § 54.507(d)(4).

<sup>12</sup> See Exh. 10 (FRN status from USAC data retrieval tool).

<sup>13</sup> *Id.*

extraordinary circumstances.”<sup>14</sup> It was only after receiving this denial that San Diego ISD discovered that Insight had changed its billing practices and that San Diego ISD had been paying the full amount of the services, even though it was only supposed to be charged its share. Insight should have been seeking reimbursement from USAC, but it did not because it had already collected all of the costs from San Diego ISD.

On November 21, 2016, San Diego ISD filed a petition for reconsideration of the Bureau’s denial.<sup>15</sup> On February 27, 2017, the Bureau denied the petition in a streamlined public notice.<sup>16</sup> The stated reason for denial was that San Diego ISD had “fail[ed] to identify any material error, omission, or reason warranting reconsideration, and rel[ied] on arguments that [had] been fully considered and rejected by the Bureau within the same proceeding.”<sup>17</sup> The deadline for filing applications for review is 30 days from public notice of the underlying Bureau action.<sup>18</sup> As such, this Application for Review is timely filed.

## **II. REVIEW IS WARRANTED BECAUSE THE BUREAU FAILED TO EXPLAIN THE RATIONALE FOR ITS DECISION AND MAY HAVE USED A HIGHER STANDARD THAN THAT ARTICULATED IN THE *FIRST MODERNIZATION ORDER*.**

As noted above, the Bureau denied San Diego ISD’s waiver request in a streamlined public notice, citing the *First Modernization Order* for the proposition that “it is generally not in the public interest to waive the Commission’s invoicing rules absent extraordinary

---

<sup>14</sup> *Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket Nos. 96-45, 02-6, Public Notice, 31 FCC Rcd 11914, 11919 n.6 (2016) (*October 2016 Public Notice*).

<sup>15</sup> See San Diego ISD Petition for Reconsideration, filed Nov. 21, 2016,

<sup>16</sup> *February 2017 Public Notice* at 2 & n.5.

<sup>17</sup> *Id.* at 2 n.5.

<sup>18</sup> 47 C.F.R. § 1.115(d).

circumstances.”<sup>19</sup> The Bureau did not otherwise explain the reasons for its denial. But by citing this language from the *First Modernization Order*, the Bureau implied that it had applied an “extraordinary circumstances” standard to San Diego ISD’s waiver request and found the request deficient. If that was indeed how the Bureau analyzed San Diego ISD’s request, then the Bureau applied the wrong standard, and its denials of both the waiver request and the subsequent petition for reconsideration must be reversed.

It is true that the *First Modernization Order* directed the Bureau to grant waivers of the invoicing rule only in “extraordinary circumstances.”<sup>20</sup> However, this directive applied only to funding year 2014 and beyond; the Commission explicitly articulated a different standard for earlier funding years. For waiver requests pertaining to applications filed prior to funding year 2014, the Commission directed “USAC and the Bureau to consider whether such requests were made in good faith and within a reasonable time period after the services were provided *or* whether other extraordinary circumstances exist that support such a request.”<sup>21</sup> The Commission added that the Bureau and USAC should deny any requests or appeals seeking an invoicing deadline extension of more than 12 months after the last date to invoice, “absent extraordinary circumstances justifying the failure to timely submit invoices.”<sup>22</sup> In short, the *First Modernization Order* established that if a request for waiver of the invoicing deadline pertains to an application for funding year 2013 or earlier, and does not seek an extension of more than 12 months after the last date to invoice, then the Bureau may grant the request if it was made in

---

<sup>19</sup> *October 2016 Public Notice*, 31 FCC Rcd at 11919 n.6.

<sup>20</sup> *Modernizing the E-Rate Program for Schools and Libraries*, WC Docket No. 13-184, Report and Order and Further Notice of Proposed Rulemaking, 29 FCC Rcd 8170, 8966 ¶ 240 (2014) (*First Modernization Order*).

<sup>21</sup> *Id.* at 8967 ¶ 242 (emphasis added).

<sup>22</sup> *Id.*

good faith and within a reasonable time period after the services were provided. The applicant is not required to demonstrate extraordinary circumstances justifying a waiver.

Here, San Diego ISD's request for waiver pertained to an application for funding year 2011 and did not seek an extension of more than 12 months after the last date to invoice, when considering its implementation extensions. Thus San Diego ISD should not have been required to demonstrate extraordinary circumstances, only that its request was made in good faith and within a reasonable time period after the services were provided. San Diego ISD satisfied these criteria, requesting both an invoice deadline extension waiver from the Commission and an invoice deadline extension from USAC shortly after it requested and was granted service implementation extensions, and explaining in its pleadings that it was making a good-faith effort to comply with the Commission's rules and complete its invoicing in as timely a manner as possible.<sup>23</sup> Accordingly, if the Bureau had applied the proper standard of review to San Diego ISD's request for waiver, it should have granted the request.

Because neither USAC nor the Bureau explained why San Diego ISD's invoice extension requests were denied, it is unclear whether they considered whether the invoice extension requests were made in good faith and within a reasonable time period after the services were provided, as required by the *First Modernization Order*. It appears that the Bureau may have instead incorrectly applied a higher standard to the waiver request than was appropriate for an application from funding year 2011. In fact, the Bureau cited to a 2016 order denying invoice extension requests that were all from funding year 2014.<sup>24</sup> It is unclear if that is the case,

---

<sup>23</sup> As we explain below, San Diego ISD did, in fact, demonstrate that extraordinary circumstances were present, thus satisfying even the stricter standard that the Bureau appears to have applied.

<sup>24</sup> *October 2016 Public Notice* (citing to the Bureau's 2016 Ada School District order); *see also Requests for Waiver of Decisions of the Universal Service Administrator by Ada School District et al.; Schools and*

however, because the Bureau did not articulate the rationale supporting its decision, as it is required to do under the Administrative Procedure Act, and again failed to explain its decision when it denied the petition for reconsideration.

The absence of analysis in the Bureau’s denials of San Diego ISD’s waiver request and its petition for reconsideration fails to satisfy even the minimal requirements of the APA. Section 6(e) of the APA requires an agency to provide a “brief statement of the grounds for denial” when it denies a petition, unless the denial is self-explanatory.<sup>25</sup> The D.C. Circuit has explained: “A ‘fundamental’ requirement of administrative law is that an agency ‘set forth its reasons’ for decision; an agency’s failure to do so constitutes arbitrary and capricious agency action.”<sup>26</sup> The D.C. Circuit has also stated that “[a]lthough nothing more than a ‘brief statement’ is necessary, the core requirement is that the agency explain ‘why it chose to do what it did.’”<sup>27</sup> Under this framework, the D.C. Circuit has reversed agency decisions in which the agency “provide[d] no basis upon which [the court] could conclude that it was the product of reasoned decisionmaking.”<sup>28</sup>

The Bureau’s failure to explain why it denied San Diego ISD’s petition for reconsideration, and the underlying waiver request, raise APA concerns, because it cannot be ascertained from either of the Bureau’s public notices that the decision was the “product of

---

*Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 31 FCC Rcd 3834, 3836, para. 8 (Wireline Comp. Bur. 2016) (denying requests for waiver of the Commission’s invoice extension rule for petitioners that failed to demonstrate extraordinary circumstances justifying a waiver).

<sup>25</sup> 47 U.S.C. § 555(e).

<sup>26</sup> *Roelofs v. Secretary of the Air Force*, 628 F.2d 594, 599 (D.C. Cir.1980).

<sup>27</sup> *Id.*

<sup>28</sup> *See, e.g., Amerijet Int’l, Inc. v. Pistole*, 753 F.3d 1343, 1350-52 (D.C. Cir. 2014).

reasoned decisionmaking.”<sup>29</sup> In order to eradicate these APA concerns, the Commission should grant the instant petition and review the Bureau’s decisions.

### **III. REVIEW IS WARRANTED BECAUSE THE BUREAU’S DECISION IS INCONSISTENT WITH ESTABLISHED COMMISSION POLICY**

San Diego ISD respectfully asserts that the Bureau’s refusal to reconsider its denial of San Diego ISD’s request for waiver of the invoicing deadline is inconsistent with established Commission policy and should therefore be reversed. The Commission has identified simplifying the E-rate application process and easing the administrative burdens on applicants as primary goals of the program and the Commission’s rules.<sup>30</sup> The Bureau’s tacit position that an applicant should be denied funding when it has obtained a service implementation deadline extension but not an extension of the corresponding invoicing deadline is at odds with the Commission’s policy of making it easier for applicants to obtain the funding for which they are eligible. Accordingly, the Bureau’s decision should be reversed.

Throughout the 2014 E-rate Modernization Orders, the Commission emphasized that a primary goal was to simplify and streamline the program to make the application process easier for program participants. Specifically, in the *First Modernization Order*, the Commission identified as one of the three goals of the modernization proceeding “making the E-rate

---

<sup>29</sup> *Id.*

<sup>30</sup> See *First Modernization Order*, 29 FCC Rcd at 8891 ¶ 55 (“We adopt as our third goal making the E-rate application process and other E-rate processes fast, simple, and efficient. Each year, USAC reviews tens of thousands of funding requests from schools and libraries, and processes thousands of appeals, invoice requests, deadline extension requests, and additional inquiries from schools, libraries, and other parties requesting information. Simplifying and improving these procedures will help applicants receive their funding in a timely fashion, which will allow them to plan better and maximize the impact of their support.”); see also *Modernizing the E-Rate Program for Schools and Libraries*, WC Docket No. 13-184, Second Report and Order and Order on Reconsideration, 29 FCC Rcd 15538, 15589 ¶ 125, 15590 ¶ 129 (2014) (*Second Modernization Order*).

application process and other E-rate processes fast, simple, and efficient.”<sup>31</sup> In typical language, the Commission stated in one section that “[t]here is broad agreement on the need to simplify the administration of the E-rate program in order to reduce the burden on applicants, make the most efficient use of E-rate funding, and foster greater participation in the E-rate program.”<sup>32</sup> In fact, the Commission detailed specific directives for USAC to implement that would simplify program requirements.<sup>33</sup> Throughout the *Order*, the Commission emphasized that it was taking steps to ease administrative burdens on applicants. In particular, the Commission’s revisions to invoicing procedures in the *First Modernization Order* were intended to ease administrative burdens, not to punish applicants who, like San Diego ISD, obtain a service implementation extension request but fail to obtain a corresponding extension of the invoicing deadline.<sup>34</sup>

Furthermore, the Bureau has routinely directed USAC to waive the invoicing deadline, consistent with the Commission policy goals described above, when necessary to grant relief for applicants on other grounds. In doing so, the Bureau has identified the invoicing deadline as a “procedural deadline” whose requirements should not obstruct the granting of relief.<sup>35</sup> The

---

<sup>31</sup> *Second Modernization Order*, 29 FCC Rcd at 15542 ¶ 8.

<sup>32</sup> *First Modernization Order*, 29 FCC Rcd at 8944 ¶ 187; *see also, e.g., id.* at 8948 ¶ 197, 8963 ¶ 232.

<sup>33</sup> *Id.* at 8944-8975 ¶¶ 187-264.

<sup>34</sup> *Id.* at 8963 ¶ 232 (“Consistent with our goal of reducing the administrative burdens on applicants and service providers, we take several measures related to the invoicing process to simplify and expedite funding disbursement.”).

<sup>35</sup> *See, e.g., Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket Nos. 96-45, 02-6, WC Docket No. 06-122, Public Notice, 31 FCC Rcd 12697, 12700 n.10 (2016) (noting that “[w]e . . . direct USAC to waive any procedural deadline that might be necessary to effectuate our ruling. *See* 47 CFR § 54.507(d) (requiring non-recurring services to be implemented by September 30 following the close of the funding year); 47 CFR § 54.514(a) (codifying the invoice filing deadline).”); *Request for Waiver and Review of Decisions of the Universal Service Administrator by Alexander County School District et al.*, WC Docket No. 06-22, CC Docket No. 02-6, Order, 28 FCC Rcd 8492, 8493 ¶ 5 (Wireline Comp. Bur. 2013) (“We also waive section 54.507(d) of the Commission’s rules and direct USAC to waive any procedural deadline, such as the invoicing deadline, that might be necessary to effectuate our ruling.”).



Bureau's denial of San Diego ISD's request for an extension of the invoicing deadline is inconsistent with this position. Once San Diego ISD obtained a service implementation extension, the corresponding invoicing extension should have been automatic. That it was not automatic, and that San Diego ISD instead had to request it separately, is inconsistent with the streamlining and efficiency goals that the Commission has identified.

#### **IV. THE COMMISSION SHOULD WAIVE ITS RULES TO GRANT THE REQUESTED RELIEF**

San Diego ISD respectfully renews its request that the Commission waive its rules in order to grant the requested relief and allow San Diego ISD to invoice USAC for its committed funding. Any of the Commission's rules may be waived if good cause is shown.<sup>36</sup> The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.<sup>37</sup> In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.<sup>38</sup>

It cannot be stressed enough that the effect of the Bureau's decision is to deny more than \$200,000 in E-rate funding to a poor school district because it failed to file a single piece of paper. Even though there was a delay in the implementation of the services due to lengthy delays in the construction of the new school building, the services were ultimately delivered and are being used by students and staff. There was no waste, fraud, or abuse in this case. There was merely a school district doing its best to comply with the Commission's rules and deadlines, but failing to do so for reasons that were largely beyond its control. Had San Diego ISD known that

---

<sup>36</sup> 47 C.F.R. § 1.3.

<sup>37</sup> *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

<sup>38</sup> *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.

proceeding with equipment purchases after the implementation extension was granted would result in a denial of reimbursement, it never would have made the purchases. Granting the requested waiver is in the public interest because a grant would advance, rather than hinder, the effective implementation of E-rate policy, which is to support schools and libraries as they implement equipment and services necessary to access Internet and other advanced telecommunications services.

Second, San Diego ISD has satisfied the standard for a waiver of an invoicing extension request from a funding year prior to 2014. As explained above, the standard the Bureau should have applied was whether the request was made in good faith and within a reasonable time period after the services were provided. San Diego ISD satisfied these criteria, requesting the invoice extension shortly after it requested and was granted service implementation extensions, and explaining in its pleadings that it was making a good-faith effort to comply with the Commission's rules and complete its invoicing in as timely a manner as possible. Accordingly, the Bureau should have granted San Diego ISD's request.

Even if the Commission believes that San Diego ISD should be held to a standard of "extraordinary circumstances," those extraordinary circumstances are present here.<sup>39</sup> This is not a case of an applicant simply missing the invoicing deadline without justification. Here, San Diego ISD believed that its service provider was invoicing USAC all along, as it had done in the beginning of the project. Had the lengthy delays in construction of the school building itself not led to an almost three-year gap in Insight's work, San Diego ISD might have noticed that Insight had changed its billing practices. In effect, San Diego ISD is being punished because its service provider ceased invoicing USAC without telling the school district, and by the time San Diego

---

<sup>39</sup> *First Modernization Order*, 29 FCC Rcd at 8966 ¶ 240.

ISD discovered this change, the Bureau had already denied its request for an extension of the invoicing deadline. It is contrary to the public interest to deny the requested funding under these circumstances.

## **V. CONCLUSION**

For the foregoing reasons, the Commission should grant San Diego ISD's application for review, reverse the Bureau's underlying denial, and grant San Diego ISD's request for waiver of the invoicing deadline.

Respectfully submitted,

/s/ Gina Spade

Gina Spade  
Broadband Legal Strategies  
1629 K Street, NW Suite 300  
Washington, DC 20006  
DC Bar # 452207  
gina@broadbandlegal.com  
202-907-6252

March 28, 2017

## **CERTIFICATE OF SERVICE**

This is to certify that on this 28th day of March, 2017, a true and correct copy of the foregoing Application for Review and Request for Waiver was sent via email to:

Schools and Libraries Division, Universal Service Administrative Company,  
Appeals@sl.universalservice.org

/s/ Gina Spade

## **ATTACHMENTS**

Affidavit of Rosalinda Flores

EXHIBIT 1: "Submit a Question" submitted by Jeremy Ballew, December 9, 2013.

EXHIBIT 2: Administrator's Decision on Implementation Extension Request, February 12, 2014.

EXHIBIT 3: Administrator's Decision on Appeal – Funding Year 2011-2012, January 9, 2015.

EXHIBIT 4: "Submit a Question" Request for Invoice Deadline Extension, submitted to USAC February 17, 2015.

EXHIBIT 5: USAC Dismissal of Invoicing Deadline Extension Request, September 18, 2015.

EXHIBIT 6: Form 500, dated December 5, 2014.

EXHIBIT 7: Form 500, dated September 21, 2015.

EXHIBIT 8: USAC Form 500 Notification Letter, Dec. 30, 2014.

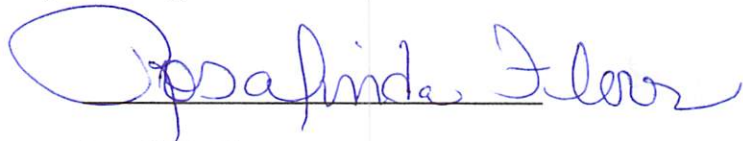
EXHIBIT 9: USAC Form 500 Notification Letter, Nov. 23, 2015.

EXHIBIT 10: FRN Status from USAC Data Retrieval Tool.

### Affidavit of Rosalinda Flores

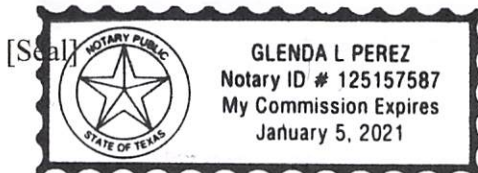
I, Rosalinda Flores, swear:

1. That I am the in Director of Media Services for San Diego ISD. I have been in that position since 2001. In that capacity, I assist in the preparation of San Diego ISD's E-rate applications.
2. That I have read the foregoing request for waiver and avow the information stated therein is true and correct to the best of my knowledge and belief.



Rosalinda Flores  
Director of Media Services  
San Diego ISD  
609 Labbe Ave  
San Diego, TX 78384  
rlflores@sdisd.us  
361-279-3382 Ext. 2631

Subscribed and sworn to before me this 28th day of March, 2017.



Notary Public

**EXHIBIT 1**

**"Submit a Question" submitted by Jeremy Ballew, December 9, 2013**



Ginnie Harwood <[ggharwood@esc12.net](mailto:ggharwood@esc12.net)>

---

## Fwd: SLD Inquiry #: 22-571355 Received

2 messages

---

**Jeremy Ballew** <[jballew@esc12.net](mailto:jballew@esc12.net)>  
To: Ginnie Harwood <[ggharwood@esc12.net](mailto:ggharwood@esc12.net)>

Tue, Nov 8, 2016 at 10:27 AM

**Jeremy Ballew**

Team Leader, E-Rate Consulting

Education Service Center Region 12  
Office: [254-297-2922](tel:254-297-2922)

Cell: [254-366-0079](tel:254-366-0079)

Fax: 855 ERATE12 ([855-372-8312](tel:855-372-8312))

[www.esc12.net/erate](http://www.esc12.net/erate)

Zoom: <https://esc12.zoom.us/my/jballew>

Create your account >



----- Forwarded message -----

From: <[sldcaseattachments@sl.universalservice.org](mailto:sldcaseattachments@sl.universalservice.org)>  
Date: Mon, Dec 9, 2013 at 3:48 PM  
Subject: SLD Inquiry #: 22-571355 Received  
To: [jballew@esc12.net](mailto:jballew@esc12.net)

Thank you for using Submit a Question. This message serves as a receipt confirmation of your submission.

The case number for your submission is 22-571355.

Please refer to this case number in subsequent contacts regarding this issue. Note that we may need to ask you for additional information to completely answer your question or fulfill your request.

You indicated in your submission that you wish to send us an attachment. To submit an attachment, please reply to this message and attach your attachment to the reply. Any additional information you wish to provide should be included in the attachment, not added to the text of this email.

If you still have questions about this issue after you review our response, please call us at [1-888-203-8100](tel:1-888-203-8100). Please do not reply to this message or to our response, as replies go to an unattended mailbox.



If you have a new question or issue, please submit another question and we will create a new case number to address it.

If you need program information, you can visit the SLD web site at [www.usac.org/sl](http://www.usac.org/sl).

Thank you.

Here is the information you submitted:

*[FirstName]=Jeremy [LastName]=Ballew [JobTitle]=Consultant [EmailAddress]=[jballew@esc12.net](mailto:jballew@esc12.net) [WorkPhone]=2542972911 [FaxPhone]=8553728312 [PreviousCaseNumber]=0 [FormType]=Other [Owner]=TCSB [DateSubmitted]=12/9/2013 4:38:13 PM [AttachmentFlag]=Y[Question2]=I need to submit an Installation Deadline Extension Request for: San Diego ISD (TX) - BEN 141610 FY 2011 471 Application #815356 FRN: 2218045 Service Provider Name: Insight SPIN: 143030052 Committed Amount: \$718,197.66 Contact: Jeremy Ballew ([jballew@esc12.net](mailto:jballew@esc12.net)) Due to unforeseen circumstances and changes in faculty and staff, the installation deadline had fallen through the cracks with new personnel and not completed by the original date of 9/30/2013. My LOA will be attached. Thank you in advance for your consideration. Jeremy Ballew*

---

**Jeremy Ballew** <[jballew@esc12.net](mailto:jballew@esc12.net)>  
To: Ginnie Harwood <[gharwood@esc12.net](mailto:gharwood@esc12.net)>

Mon, Jan 30, 2017 at 9:15 AM

Best Regards,

**Jeremy Ballew**

Team Leader, E-Rate Consulting

Education Service Center Region 12

Office: [254-297-2922](tel:254-297-2922)

Cell: [254-366-0079](tel:254-366-0079)

Fax: 855 ERATE12 ([855-372-8312](tel:855-372-8312))

[www.esc12.net/erate](http://www.esc12.net/erate)

Zoom: <https://esc12.zoom.us/my/jballew>

----- Forwarded message -----

From: <[sldcaseattachments@sl.universalservice.org](mailto:sldcaseattachments@sl.universalservice.org)>

Date: Mon, Dec 9, 2013 at 3:48 PM

Subject: SLD Inquiry #: 22-571355 Received

To: [jballew@esc12.net](mailto:jballew@esc12.net)

Thank you for using Submit a Question. This message serves as a receipt confirmation of your submission.

The case number for your submission is 22-571355.

Please refer to this case number in subsequent contacts regarding this issue. Note that we may need to ask you for additional information to completely answer your question or fulfill your request.

You indicated in your submission that you wish to send us an attachment. To submit an attachment, please reply to this message and attach your attachment to the reply. Any additional information you wish to provide should be included in the attachment, not added to the text of this email.

If you still have questions about this issue after you review our response, please call us at [1-888-203-8100](tel:1-888-203-8100). Please do not reply to this message or to our response, as replies go to an unattended mailbox.

If you have a new question or issue, please submit another question and we will create a new case number to address it.

If you need program information, you can visit the SLD web site at [www.usac.org/sl](http://www.usac.org/sl).

Thank you.

Here is the information you submitted:

*[FirstName]=Jeremy [LastName]=Ballew [JobTitle]=Consultant [EmailAddress]=[jballew@esc12.net](mailto:jballew@esc12.net) [WorkPhone]=[2542972911](tel:2542972911) [FaxPhone]=[8553728312](tel:8553728312) [PreviousCaseNumber]=0 [FormType]=Other [Owner]=TCSB [DateSubmitted]=12/9/2013 4:38:13 PM [AttachmentFlag]=Y[Question2]=I need to submit an Installation Deadline Extension Request for: San Diego ISD (TX) - BEN 141610 FY 2011 471 Application #815356 FRN: 2218045 Service Provider Name: Insight SPIN: 143030052 Committed Amount: \$718,197.66 Contact: Jeremy Ballew ([jballew@esc12.net](mailto:jballew@esc12.net)) Due to unforeseen circumstances and changes in faculty and staff, the installation deadline had fallen through the cracks with new personnel and not completed by the original date of 9/30/2013. My LOA will be attached. Thank you in advance for your consideration. Jeremy Ballew*



**EXHIBIT 2**

**Administrator's Decision on Implementation Extension Request, February 12, 2014**

**Administrator's Decision on Implementation Extension Request**

February 12, 2014

Jeremy Ballew  
ESC Region 12 E-Rate Consulting  
2101 W. Loop 340  
Waco, TX 76712

RE: San Diego Indep School Dist

FCC Form 471 Application Number: 815356  
Funding Request Number(s): 2218045  
Your Correspondence Dated: December 9, 2013

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision in regard to your implementation extension request. This letter explains the basis of USAC's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your request included more than one FCC Form 471 Application, please note that for each application you will receive a separate determination letter.

Decision on Appeal: **Denied in full**

***Explanation: Request received after the FCC deadline for Implementation Deadline Extension requests which was 9/30/2013.***

In accordance with the FCC Report and Order (FCC 01-195) released on June 29, 2001, the Administrator may grant an extension of time for the implementation of non-recurring services if the implementation is delayed for circumstances beyond the named service provider's control. You have been unable to establish such circumstances.

**TO APPEAL THIS DECISION**

You have the option of filing an appeal with USAC or directly with the Federal Communications Commission (FCC).

If you wish to appeal a decision in this letter to USAC, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address for the person who can most readily discuss this appeal with us.

2. State outright that your letter is an appeal. Include the following to identify the USAC decision letter (e.g., FCDL) and the decision you are appealing:
  - appellant name
  - applicant and service provider names, if different than appellant
  - applicant BEN and service provider SPIN
  - **<insert application or form number>** as assigned by USAC
  - Funding Request Number(s) (FRNs) you are appealing if provided in the letter
  - **<insert name of the letter and funding year - both are located at the top of the letter>** AND
  - the exact text or the decision that you are appealing.
3. Please keep your letter to the point and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
4. If you are the applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are the service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

We strongly recommend that you use one of the electronic filing options. To submit your appeal to USAC by email, email your appeal to [appeals@sl.universalservice.org](mailto:appeals@sl.universalservice.org) or submit your appeal electronically by using the "Submit a Question" feature on the USAC website. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to us by fax, fax your appeal to (973) 599-6542.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal  
Schools and Libraries Division - Correspondence Unit  
30 Lanidex Plaza West  
PO Box 685  
Parsippany, NJ 07054-0685

For more information on submitting an appeal to USAC, please see "Appeals" in the "Schools and Libraries" section of the USAC website.

If you wish to appeal a decision in this letter to the FCC, you should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in "Appeals" in the "Schools and Libraries" section of the USAC website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

Schools and Libraries Division  
Universal Service Administrative Company

cc: Cathi Whelan, Insight Public Sector Inc.

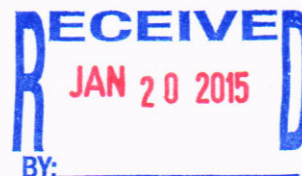
**EXHIBIT 3**

**Administrator's Decision on Appeal – Funding Year 2011-2012, January 9, 2015**





**Universal Service Administrative Company**  
Schools & Libraries Division



---

**Administrator's Decision on Appeal – Funding Year 2011-2012**

January 09, 2015

Jeremy Ballew  
Education Resource Center 12  
2101 W. Loop 340  
Waco, TX 76712

Re: Applicant Name:	SAN DIEGO INDEP SCHOOL DIST
Billed Entity Number:	141610
Form 471 Application Number:	815356
Funding Request Number(s):	2218045
Decision Letter Date:	February 12, 2014
Date Appeal Postmarked:	December 19, 2014
Your Correspondence Dated:	December 19, 2014

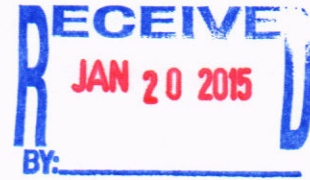
Our records show that your appeal was postmarked more than 60 days after the date your Administrator's Decision on Implementation Extension Request Letter was issued, as shown above. Federal Communications Commission (FCC) rules require applicants to postmark appeals within 60 days of the date on the decision letter being appealed. FCC rules do not permit the Universal Service Administrative Company (USAC) to consider your appeal.

If you believe there is a basis for further examination of your application, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be postmarked within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found under the Reference Area/"Appeals" of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

Schools and Libraries Division  
Universal Service Administrative Company

cc: Rosalinda Flores





Jeremy Ballew  
Education Resource Center 12  
2101 W. Loop 340  
Waco, TX 76712

Billed Entity Number: 141610  
Form 471 Application Number: 815356  
Form 486 Application Number:

**EXHIBIT 4**

**“Submit a Question” Request for Invoice Deadline Extension,  
submitted to USAC February 17, 2015**

---

**SLD Inquiry #: 22-721374 Received**

3 messages

---

**sldcaseattachments@sl.universalservice.org**  
<sldcaseattachments@sl.universalservice.org>  
To: jballew@esc12.net

Tue, Feb 17, 2015 at 3:51 PM

Thank you for using Submit a Question. This message serves as a receipt confirmation of your submission.

The case number for your submission is 22-721374.

Please refer to this case number in subsequent contacts regarding this issue. Note that we may need to ask you for additional information to completely answer your question or fulfill your request.

You indicated in your submission that you wish to send us an attachment. To submit an attachment, please reply to this message and attach your attachment to the reply. Any additional information you wish to provide should be included in the attachment, not added to the text of this email.

If you still have questions about this issue after you review our response, please call us at [1-888-203-8100](tel:1-888-203-8100). Please do not reply to this message or to our response, as replies go to an unattended mailbox.

If you have a new question or issue, please submit another question and we will create a new case number to address it.

If you need program information, you can visit the SLD web site at [www.usac.org/sl](http://www.usac.org/sl).

Thank you.

Here is the information you submitted:

*[FirstName]=Jeremy [LastName]=Ballew [JobTitle]=Consultant [EmailAddress]=[jballew@esc12.net](mailto:jballew@esc12.net) [WorkPhone]=[2542972911](tel:2542972911) [FaxPhone]=[8553728312](tel:8553728312) [PreviousCaseNumber]=0 [FormType]=Invoice Extension [Owner]=DEADLINEEXTENSIONS [DateSubmitted]=2/17/2015 4:23:22 PM [AttachmentFlag]=Y[Question2]=Invoice Deadline Extension Request San Diego ISD - BEN 141610 FY 2011 471 #815356 FRN 2218045 Service provider name: Calence, LLC. SPIN: 143030052 Amount of invoice: \$507,830.91 (Remaining) Reason for extension request: There was a time period in which the main point of contact for San Diego ISD was out of work and the dates were not communicated to the new point of contact in a timely manner and the information fell through the cracks during that time. The contract was properly extended but due to lack of knowledge and awareness, the point of contact was not aware that an invoicing date needed to be extended. LOA will be attached. Thank you.*

---

**Jeremy Ballew** <jballew@esc12.net>  
To: sldcaseattachments@sl.universalservice.org

Tue, Feb 17, 2015 at 3:52 PM

Best Regards,

**Jeremy Ballew**

Lead PEP, E-Rate Consulting

Education Service Center Region 12  
Office: [254-297-2922](tel:254-297-2922)

Cell: [254-366-0079](tel:254-366-0079)

Fax: 855 ERATE12 ([855-372-8312](tel:855-372-8312))

[www.esc12.net/erate](http://www.esc12.net/erate)

**From:** [sldcaseattachments@sl.universalservice.org](mailto:sldcaseattachments@sl.universalservice.org) [mailto:[sldcaseattachments@sl.universalservice.org](mailto:sldcaseattachments@sl.universalservice.org)]  
**Sent:** Tuesday, February 17, 2015 3:52 PM  
**To:** [jballew@esc12.net](mailto:jballew@esc12.net)  
**Subject:** SLD Inquiry #: 22-721374 Received

[Quoted text hidden]



**San Diego\_2014-2015 Countersigned Agreement.pdf**  
2198K

---

**Jeremy Ballew** <[jballew@esc12.net](mailto:jballew@esc12.net)>  
To: Ginnie Harwood <[gharwood@esc12.net](mailto:gharwood@esc12.net)>

Thu, Nov 10, 2016 at 11:51 AM

Jeremy Ballew  
Lead E-Rate Specialist, E-Rate Consulting  
Education Service Center Region 12  
Office: [254-297-2922](tel:254-297-2922)  
Cell: [254-366-0079](tel:254-366-0079)  
Fax: 855-ERATE12 ([855-372-8312](tel:855-372-8312))  
[www.esc12.net/erate](http://www.esc12.net/erate)  
Zoom: <https://esc12.zoom.us/my/jballew>

Sent from my iPhone

Begin forwarded message:

**From:** Jeremy Ballew <[jballew@esc12.net](mailto:jballew@esc12.net)>  
**Date:** February 17, 2015 at 3:52:58 PM CST  
**To:** [sldcaseattachments@sl.universalservice.org](mailto:sldcaseattachments@sl.universalservice.org)  
**Subject:** RE: SLD Inquiry #: 22-721374 Received

[Quoted text hidden]



**San Diego\_2014-2015 Countersigned Agreement.pdf**  
2198K

**EXHIBIT 5**

**USAC Dismissal of Invoicing Deadline Extension Request, September 18, 2015**

---

## Fwd: Administrator's Decision on Invoice Deadline Extension Request

---

Rosalinda Flores <rflores@sdisd.us>  
To: Jeremy Ballew <jballew@esc12.net>

Fri, Sep 18, 2015 at 1:08 PM

**Rosalinda Flores**  
**Director of Media Services**  
**San Diego ISD**  
**609 Labbe Ave**  
**San Diego, TX 78384**  
[rflores@sdisd.us](mailto:rflores@sdisd.us)  
**361-279-3382 Ext 2631**

----- Forwarded message -----

From: <[deadline@sl.universalservice.org](mailto:deadline@sl.universalservice.org)>  
Date: Fri, Sep 18, 2015 at 9:30 AM  
Subject: Administrator's Decision on Invoice Deadline Extension Request  
To: [rflores@sdisd.esc2.net](mailto:rflores@sdisd.esc2.net)

This serves as acknowledgement and dismissal of your request for a deadline extension for the following FRNs:

2218045

Current deadline extension rules and procedures do not allow approval for the reason submitted.

### TO APPEAL THIS DECISION:

If you wish to appeal the decision indicated in this letter, your appeal must be POSTMARKED within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and e-mail address (if available) for the person who can most discuss this appeal with us.
2. State outright that your letter is an appeal. Identify which Administrative Decision you are appealing. Indicate the relevant funding year and the date of this letter. Your letter of appeal must also include the Billed Entity Name, the Form 471 Application Number, and the SLD Invoice Number from the top of your letter.
3. When explaining your appeal, copy the language or text from this letter that is at the heart of your appeal to allow the SLD to more readily understand your appeal and respond appropriately. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep copies of your correspondence and documentation.
4. Provide an authorized signature on your letter of appeal.

If you are submitting your appeal on paper, please send your appeal to: Letter of Appeal, Schools and Libraries Division, 30 Lanidex Plaza West, PO Box 685, Parsippany, NJ 07054-0685. Additional options for filing an appeal can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We encourage the use of either the e-mail or fax filing options.

Schools and Libraries Division  
Universal Service Administrative Company

This e-mail has been generated programmatically. Please do not respond to this e-mail.

**EXHIBIT 6**

**Form 500, dated December 5, 2014**

FCC Form 500  
DO NOT STAPLE

Do Not Write In This Area

OMB Control No. 3060-0853  
Estimated time per response:  
1.5 hours**Universal Service for Schools and Libraries  
Funding Commitment Adjustment Request Form****Please read instructions before completing.**

(To be completed by schools, libraries or consortia.)

Applicant's Form Identifier:

(Create your own code to identify THIS FCC Form 500)

FCC Form 500 Application Number:

(To be assigned by administrator.)

**Block 1: Applicant Information**

1. Name of Billed Entity San Diego	2. Billed Entity Number 141610	3. Funding Year 2011
4. Complete Mailing Address of Billed Entity Street Address, P. O. Box or Route Number		
City	State	Zip Code
San Diego	TX	78384
609 Labbe Ave		
Telephone Number 3612793382	Fax Number 3612791826	Email Address RLFlores@sdisd.esc2.net
5. Contact Person Information		
Contact Person Name Jeremy Ballew		
Mailing Address Street Address, P. O. Box or Route Number		
City	State	Zip Code
Waco	TX	76712
2101 W Loop 340		
Telephone Number 2542972911	Fax Number 8553728312	Email Address jballew@esc12.net

**Type of Adjustment (Check all that apply)**☒ **Block 2: Services Adjustment**☐ **Block 4: Equipment Transfer Notification**☐ **Block 3: Cancellation or Reduction of an FRN**



**DO NOT STAPLE**Billed Entity Name San DiegoContact Name Jeremy BallewBilled Entity Number 141610Contact Telephone Number 2542972911Page 2**Block 2: Services Adjustment**

**Remember: The Funding Request Number(s) (FRNs) listed on this form must be for the same Funding Year as listed in Block 1, Item 3.**

**New Service Start Date:** Complete if you wish to change the Service Start Date you listed on a previously filed FCC Form 486 in the funding year listed in Block 1, Item 3. This action will NOT increase funding.

**Contract Expiration Date:** Complete if the contract expiration date has changed and you wish to report the change to USAC. This action will NOT increase funding but you could combine it with a funding reduction.

**Service Delivery Extension:** Complete if you are requesting an extension of the deadline for delivery and installation of non-recurring services. You must submit this request to USAC on or before the September 30 following the close of the funding year. This action will NOT increase funding. **Note:** Complete the Contract Expiration Date (Item 7) also if your contract will expire prior to the installation or delivery of services.

**6. Service Start Date**

FCC Form 471	FRN(s)	Original Date (mm/dd/yyyy):	New Date (mm/dd/yyyy):

**7. Contract Expiration Date**

FCC Form 471	FRN(s)	Original Date (mm/dd/yyyy):	New Date (mm/dd/yyyy):
815356	2218045	09/30/2014	09/30/2015

**Make as many copies of this page as needed, and number the completed pages so that they are all processed correctly. Please number your pages 2A, 2B, 2C, etc. and provide the number in space provided in Block 2.**

**8. Service Delivery Extension Request**

FCC Form 471

815356

FRN

2218045

Certify the reason for the service delivery and installation request by checking one of the boxes below:

- ☒ The service provider was unable to complete delivery and installation for reasons beyond the service provider's control.
- ☐ The service provider has been unwilling to complete delivery and installation after USAC withheld payment for those services on a properly-submitted invoice for more than 60 days after submission of the invoice.



**DO NOT STAPLE**Billed Entity Name San Diego Contact Name Jeremy BallewBilled Entity Number 141610 Contact Telephone Number 2542972911 Page 3**Block 3: Cancellation or Reduction of an FRN****Remember:** The FRNs listed on this form must be for the same Funding Year as listed in Block 1, Item 3.**Cancel:** Complete if you wish to cancel an FRN. This action is irrevocable and the FRN cannot be reinstated later. This action would allow money to be put back into the Universal Service Fund for possible commitment to other applicants.**Reduce:** Complete if you wish to reduce the amount of your funding commitment for a particular FRN. This action is irrevocable and the FRN cannot be increased later. This action would allow money to be put back into the Universal Service Fund for possible commitment to other applicants.**Make as many copies of this page as needed, and number the completed pages so that they are all processed correctly. Please number your pages 3A, 3B, 3C, etc. and provide the number in space provided in Block 3****9. Cancel FRN**

FCC Form 471	FRN (s) (list individually)	Write in "CANCEL ALL" below if you wish to cancel all FRNs on FCC Form 471

**10. Reduce FRN**

FCC Form 471	FRN(s)	Original Commitment Amount from FCDL	New Commitment Amount AFTER Reduction

**DO NOT STAPLE****Billed Entity Name** San Diego**Contact Name** Jeremy Ballew**Billed Entity Number** 141610**Contact Telephone Number** 2542972911**Page 4****Block 4: Equipment Transfer Notification****Remember: The FRNs listed on this form must be for the same Funding Year as listed in Block 1, Item 3.**

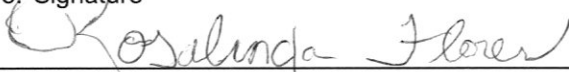
11. **Equipment Transfer:** Complete this section if you are transferring equipment from a closed entity to other eligible entities within three years of the date of purchase. Both the transferring and receiving entities must maintain detailed records documenting the transfer and the reason for the transfer for at least five years (or whatever retention period is required by the rules in effect at the time of this certification).

**Make as many copies of this page as needed, and number the completed pages so that they are all processed correctly. Please number your pages 4A, 4B, 4C, etc. and provide the number in space provided in Block 4**

FCC Form 471		FRN
Closed Entity Number		Closed Entity Name
Purchase Date	Transfer Date	Transfer Reason
<input type="checkbox"/> Check here if transfer is temporary. Enter projected return date _____		
List all entities receiving the equipment. Receiving Entity(s) Number(s)	Receiving Entity Name (s)	Equipment Received Equipment name, make and model

**DO NOT STAPLE****Billed Entity Name** San Diego **Contact Name** Jeremy Ballew**Billed Entity Number** 141610 **Contact Telephone Number** 2542972911**Block 5: Certification**

12. I certify that I am authorized to submit this form on behalf of the above-named billed entity, that I have examined this request, and that, to the best of my knowledge, information, and belief, all statements of fact contained herein are true.
13. I understand that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the services receive an appropriate share of benefits from those services.
14. I will retain for at least five years (or whatever retention period is required by the rules in effect at the time of this certification), after the last day of delivery of discount services (or after the date of transfer for equipment transfers), (1) any and all records that I rely upon to complete this form and (2) all documents necessary to demonstrate compliance with the statutory or regulatory requirements for the schools and libraries universal service support program. I recognize that I may be audited pursuant to this application and the applicant must produce such records as required by 47 C.F.R. § 54.516.

15. Signature 	16. Date 12/5/2014
17. Printed name of authorized person Rosalinda Flores	
18. Title or position of authorized person Director of Media Services	
19. Telephone number of authorized person (316) 279-3382	
20. Email address of authorized person RLFlores@sdisd.esc2.net	
21. Address of authorized person 609 Labbe Ave	
22. Name of Authorized Person's Employer San Diego ISD	

**FCC NOTICE FOR INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT**

Part 54 of the Commission's Rules authorizes the FCC to collect the information on this form. Failure to provide all requested information will delay the processing of the application or result in the application being returned without action. Information requested by this form will be available for public inspection. Your response is required to obtain the requested authorization.

The public reporting for this collection of information is estimated to range from 1 to 1.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, AMD-PERF, Paperwork Reduction Act Project (3060-0853), Washington, DC 20554. We will also accept your comments regarding the Paperwork Reduction Act aspects of this collection via the Internet if you send them to [PRA@fcc.gov](mailto:PRA@fcc.gov). PLEASE DO NOT SEND YOUR RESPONSE TO THIS FORM TO THIS ADDRESS.

Remember - You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0853.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, PUBLIC LAW 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3) AND THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507.

**A paper copy of this form, with an authorized signature in Block 5, Item 15 should be mailed to:**

**SLD Form 500  
P. O. Box 7026  
Lawrence, KS 66044-7026**

**If sent by express delivery services or U.S. Postal Service, Return Receipt Requested, the form should be mailed to:**

**SLD Forms  
ATTN: Form 500  
3833 Greenway Dr.  
Lawrence, KS 66046  
888-203-8100**

**EXHIBIT 7**

**Form 500, dated September 21, 2015**

**Universal Service for Schools and Libraries  
Funding Commitment Adjustment Request Form**

**Please read instructions before completing.**

(To be completed by schools, libraries or consortia.)

Applicant's Form Identifier:  
(Create your own code to identify THIS FCC Form 500)

FCC Form 500 Application Number:  
(To be assigned by administrator.)

**Block 1: Applicant Information**

1. Name of Billed Entity

San Diego ISD

2. Billed Entity Number

141610

3. Funding Year

2011

4. Complete Mailing Address of Billed Entity

Street Address, P. O. Box or Route Number

609 Labbe Ave

City

San Diego

State

TX

Zip Code

78384

Telephone Number

3612793382

Fax Number

3612791826

Email Address

RLFlores@sdisd.esc2.net

5. Contact Person Information

Contact Person Name

Jeremy Ballew

Mailing Address

Street Address, P. O. Box or Route Number

2101 W Loop 340

City

Waco

State

TX

Zip Code

76712

Telephone Number

2542972911

Fax Number

8553728312

Email Address

jballew@esc12.net

**Type of Adjustment (Check all that apply)**

☒ **Block 2: Services Adjustment**

☐ **Block 4: Equipment Transfer Notification**

☐ **Block 3: Cancellation or Reduction of an FRN**



**DO NOT STAPLE**Billed Entity Name San Diego ISD Contact Name Jeremy BallewBilled Entity Number 141610 Contact Telephone Number 2542972911 Page 2**Block 2: Services Adjustment**

**Remember: The Funding Request Number(s) (FRNs) listed on this form must be for the same Funding Year as listed in Block 1, Item 3.**

**New Service Start Date:** Complete if you wish to change the Service Start Date you listed on a previously filed FCC Form 486 in the funding year listed in Block 1, Item 3. This action will NOT increase funding.

**Contract Expiration Date:** Complete if the contract expiration date has changed and you wish to report the change to USAC. This action will NOT increase funding but you could combine it with a funding reduction.

**Service Delivery Extension:** Complete if you are requesting an extension of the deadline for delivery and installation of non-recurring services. You must submit this request to USAC on or before the September 30 following the close of the funding year. This action will NOT increase funding. **Note:** Complete the Contract Expiration Date (Item 7) also if your contract will expire prior to the installation or delivery of services.

**6. Service Start Date**

FCC Form 471	FRN(s)	Original Date (mm/dd/yyyy):	New Date (mm/dd/yyyy):

**7. Contract Expiration Date**

FCC Form 471	FRN(s)	Original Date (mm/dd/yyyy):	New Date (mm/dd/yyyy):
815356	2218045	09/30/2014	09/30/2016

**Make as many copies of this page as needed, and number the completed pages so that they are all processed correctly. Please number your pages 2A, 2B, 2C, etc. and provide the number in space provided in Block 2.**

**8. Service Delivery Extension Request**

FCC Form 471	FRN
815356	2218045

Certify the reason for the service delivery and installation request by checking one of the boxes below:

- ☒ The service provider was unable to complete delivery and installation for reasons beyond the service provider's control.
- ☐ The service provider has been unwilling to complete delivery and installation after USAC withheld payment for those services on a properly-submitted invoice for more than 60 days after submission of the invoice.



**DO NOT STAPLE**Billed Entity Name San Diego ISD Contact Name Jeremy BallewBilled Entity Number 141610 Contact Telephone Number 2542972911 Page 3**Block 3: Cancellation or Reduction of an FRN****Remember:** The FRNs listed on this form must be for the same Funding Year as listed in Block 1, Item 3.**Cancel:** Complete if you wish to cancel an FRN. This action is irrevocable and the FRN cannot be reinstated later. This action would allow money to be put back into the Universal Service Fund for possible commitment to other applicants.**Reduce:** Complete if you wish to reduce the amount of your funding commitment for a particular FRN. This action is irrevocable and the FRN cannot be increased later. This action would allow money to be put back into the Universal Service Fund for possible commitment to other applicants.**Make as many copies of this page as needed, and number the completed pages so that they are all processed correctly. Please number your pages 3A, 3B, 3C, etc. and provide the number in space provided in Block 3****9. Cancel FRN**

FCC Form 471	FRN (s) (list individually)	Write in "CANCEL ALL" below if you wish to cancel all FRNs on FCC Form 471

**10. Reduce FRN**

FCC Form 471	FRN(s)	Original Commitment Amount from FCDL	New Commitment Amount AFTER Reduction

**DO NOT STAPLE****Billed Entity Name** San Diego ISD**Contact Name** Jeremy Ballew**Billed Entity Number** 141610**Contact Telephone Number** 2542972911**Page 4****Block 4: Equipment Transfer Notification**

**Remember: The FRNs listed on this form must be for the same Funding Year as listed in Block 1, Item 3.**

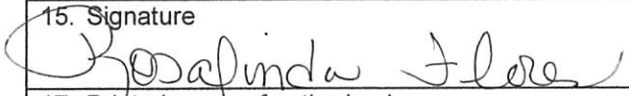
- 11. Equipment Transfer:** Complete this section if you are transferring equipment from a closed entity to other eligible entities within three years of the date of purchase. Both the transferring and receiving entities must maintain detailed records documenting the transfer and the reason for the transfer for at least five years (or whatever retention period is required by the rules in effect at the time of this certification).

**Make as many copies of this page as needed, and number the completed pages so that they are all processed correctly. Please number your pages 4A, 4B, 4C, etc. and provide the number in space provided in Block 4**

FCC Form 471		FRN
Closed Entity Number		Closed Entity Name
Purchase Date	Transfer Date	Transfer Reason
<input type="checkbox"/> Check here if transfer is temporary. Enter projected return date _____		
List all entities receiving the equipment. Receiving Entity(s) Number(s)	Receiving Entity Name (s)	Equipment Received Equipment name, make and model

**DO NOT STAPLE**Billed Entity Name San Diego ISD Contact Name Jeremy BallewBilled Entity Number 141610 Contact Telephone Number 2542972911**Block 5: Certification**

12. I certify that I am authorized to submit this form on behalf of the above-named billed entity, that I have examined this request, and that, to the best of my knowledge, information, and belief, all statements of fact contained herein are true.
13. I understand that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the services receive an appropriate share of benefits from those services.
14. I will retain for at least five years (or whatever retention period is required by the rules in effect at the time of this certification), after the last day of delivery of discount services (or after the date of transfer for equipment transfers), (1) any and all records that I rely upon to complete this form and (2) all documents necessary to demonstrate compliance with the statutory or regulatory requirements for the schools and libraries universal service support program. I recognize that I may be audited pursuant to this application and the applicant must produce such records as required by 47 C.F.R. § 54.516.

15. Signature 	16. Date 9/21/2015
17. Printed name of authorized person Rosalinda Flores	
18. Title or position of authorized person Director of Media Services	
19. Telephone number of authorized person (316) 279-3382	
20. Email address of authorized person RLFlores@sdisd.esc2.net	
21. Address of authorized person 609 Labbe Ave	
22. Name of Authorized Person's Employer San Diego ISD	

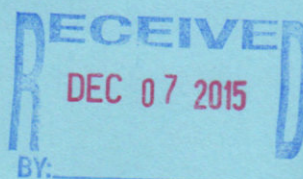
**EXHIBIT 8**

**USAC Form 500 Notification Letter, Dec. 30, 2014**



# USAC

Universal Service Administrative Company  
Schools and Libraries Division  
Correspondence Unit  
30 Lanidex Plaza West  
PO Box 685  
Parsippany, NJ 07054-0685



## TIME SENSITIVE MATERIAL

00001  
JEREMY BALLEW  
SAN DIEGO INDEP SCHOOL DIST  
2101 W LOOP 340  
WACO, TX 76712-0000

RECEIVED BY RELATES CORRESPONDENCE UNIT  
RECEIVED DATE: DEC 07 2015 FOLLOWING IS LISTED CONTAINER AND MODIFICATION TO  
UNIVERSITY DISTRICT (SD) OF THE DISTRICTS RELATES CORRESPONDENCE UNIT (SD) PER  
BY: JEREMY BALLEW DATE: 12/07/2015

UNIVERSITY, A DATE 200 DESCRIPTION: DATE: 12/07/2015  
NO: 1011 200 UNIVERSITY DISTRICT: 76712

WACO, TX 76712-0000  
12/07/2015





Universal Service Administrative Company

Schools and Libraries Division

FORM 500 NOTIFICATION LETTER  
(Funding Year 2011: 07/01/2011 - 06/30/2012)

December 30, 2014

JEREMY BALLEW  
SAN DIEGO INDEP SCHOOL DIST  
2101 W LOOP 340  
WACO, TX 76712-0000

**Re: Form 500 Application Number: 1056906**  
**Applicant's Form 500 Identifier: None entered**

We are issuing this Form 500 Notification Letter to notify you that the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has processed your FCC Form 500, Adjustment to Funding Commitment and Modification to Receipt of Service Confirmation Form.

Attached to this letter is a Report summarizing the modifications or changes you requested. An explanation of the data provided in our letter reports is in the "Guide to USAC Letter Reports" posted in the Reference Area of our website.

Retain this letter for your records. A copy of this information has been provided to the service provider(s) whose Service Provider Identification Number(s) (SPIN) is featured on this Form 500.

**DEADLINES:**

Recurring services must be delivered during the funding year (between July 1 and June 30). In general, non-recurring services must be delivered between July 1 and September 30 following the close of that Funding Year. The deadline may be extended for delivery and installation of non-recurring services as described in Step 11: Service Delivery Deadlines and Extension Requests on our website.

Invoices must be postmarked no later than 120 days after the last date to receive service or 120 days after the date of the Form 486 Notification Letter, whichever is later. If an invoice is postmarked after the later of those two dates, payment will be denied.

You can request a Service Delivery Deadline Extension or Invoice Deadline Extension from USAC following the guidance posted on our website.

Discuss with your service provider(s) whether you prefer discounts on your bills or reimbursement after paying for services in full. USAC will process either reimbursements based on Form 472 (BEAR) or discounts based on Form 474 (SPI) for a given FRN. Once established, however, the selected process - SPIs or BEARs - must be used consistently for the entire Funding Year.

NOTE: USAC will base the billing mode (reimbursement or discounting) on the first invoice type that it processes for payment. It is therefore imperative for the service provider and the customer to establish together the preferred invoicing mode.

**NOTICE ON SERVICE START DATE**

The Service Start Date as reflected on this letter may have been changed from what you indicated on the Form 500. The Service Start Date may not be before the Allowable Vendor Selection/Contract Date (AVS/CD) from the Form 470 cited for this FRN on the Form 471. Additionally, applicants cannot use the Form 500 to change the Service Start Date from a Service Start Date that was adjusted on a Form 486. You will know that a change has been made if there is an asterisk (\*) next to the Service Start Date Change. It is important

Schools and Libraries Division - Correspondence Unit  
30 Lanidex Plaza West, PO Box 685, Parsippany, NJ 07054-0685  
Visit us online at: [www.usac.org/sl](http://www.usac.org/sl)





that you and the service provider both recognize that USAC should only be invoiced and USAC may only direct disbursement of the discounts on eligible, approved services actually delivered and installed after the Service Start Date indicated on this letter.

#### TO APPEAL THE SERVICE START DATE CHANGE DECISION

If you wish to appeal a decision in this letter, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing:
  - appellant name,
  - applicant or service provider name, if different than appellant,
  - applicant BEN and service provider SPIN,
  - Form 500 number as assigned by USAC,
  - Funding Request Number(s) (FRNs) you are appealing if provided in the letter,
  - "Form 500 Notification Letter for FY 2011," AND
  - the exact text or the decision that you are appealing.
3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to USAC by email, email your appeal to [appeals@sl.universalservice.org](mailto:appeals@sl.universalservice.org). USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to us by fax, fax your appeal to (973) 599-6542.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal  
Schools and Libraries Division - Correspondence Unit  
30 Lanidex Plaza West  
PO Box 685  
Parsippany, NJ 07054-0685

For more information on submitting an appeal to USAC, please see the "Appeals Procedure" posted on our website.

Schools and Libraries Division  
Universal Service Administrative Company



FORM 500 NOTIFICATION LETTER REPORT  
(Funding Year 2011)

Funding Request Number (FRN): 2218045  
Form 471 Application Number: 815356  
Service Provider Name: Insight Public Sector Inc  
Service Provider Identification Number (SPIN): 143030052  
Billing Account Number: 361-279-3382  
Contract Expiration Date Change: 09/30/2015



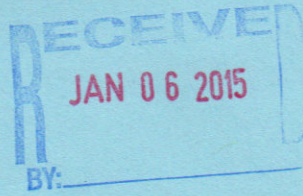


**EXHIBIT 9**

**USAC Form 500 Notification Letter, Nov. 23, 2015**

# USAC

Universal Service Administrative Company  
Schools and Libraries Division  
Correspondence Unit  
30 Lanidex Plaza West  
PO Box 685  
Parsippany, NJ 07054-0685



## TIME SENSITIVE MATERIAL

00012  
JEREMY BALLEW  
SAN DIEGO INDEP SCHOOL DIST  
2101 W LOOP 340  
WACO, TX 76712-0000



**FORM 500 NOTIFICATION LETTER**  
(Funding Year 2011: 07/01/2011 - 06/30/2012)

November 23, 2015

JEREMY BALLEW  
SAN DIEGO INDEP SCHOOL DIST  
2101 W LOOP 340  
WACO, TX 76712-0000

**Re: Form 500 Application Number: 1099641**  
**Applicant's Form 500 Identifier: None entered**

We are issuing this Form 500 Notification Letter to notify you that the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has processed your FCC Form 500, Adjustment to Funding Commitment and Modification to Receipt of Service Confirmation Form.

Attached to this letter is a Report summarizing the modifications or changes you requested. An explanation of the data provided in our letter reports is in the "Guide to USAC Letter Reports" posted in the Reference Area of our website.

Retain this letter for your records. A copy of this information has been provided to the service provider(s) whose Service Provider Identification Number(s) (SPIN) is featured on this Form 500.

**DEADLINES:**

Recurring services must be delivered during the funding year (between July 1 and June 30). In general, non-recurring services must be delivered between July 1 and September 30 following the close of that Funding Year. The deadline may be extended for delivery and installation of non-recurring services as described in Step 11: Service Delivery Deadlines and Extension Requests on our website.

Invoices must be postmarked no later than 120 days after the last date to receive service or 120 days after the date of the Form 486 Notification Letter, whichever is later. If an invoice is postmarked after the later of those two dates, payment will be denied.

You can request a Service Delivery Deadline Extension or Invoice Deadline Extension from USAC following the guidance posted on our website.

Discuss with your service provider(s) whether you prefer discounts on your bills or reimbursement after paying for services in full. USAC will process either reimbursements based on Form 472 (BEAR) or discounts based on Form 474 (SPI) for a given FRN. Once established, however, the selected process - SPIs or BEARs - must be used consistently for the entire Funding Year.

NOTE: USAC will base the billing mode (reimbursement or discounting) on the first invoice type that it processes for payment. It is therefore imperative for the service provider and the customer to establish together the preferred invoicing mode.

**NOTICE ON SERVICE START DATE**

The Service Start Date as reflected on this letter may have been changed from what you indicated on the Form 500. The Service Start Date may not be before the Allowable Vendor Selection/Contract Date (AVS/CD) from the Form 470 cited for this FRN on the Form 471. Additionally, applicants cannot use the Form 500 to change the Service Start Date from a Service Start Date that was adjusted on a Form 486. You will know that a change has been made if there is an asterisk (\*) next to the Service Start Date Change. It is important



that you and the service provider both recognize that USAC should only be invoiced and USAC may only direct disbursement of the discounts on eligible, approved services actually delivered and installed after the Service Start Date indicated on this letter.

#### TO APPEAL THE SERVICE START DATE CHANGE DECISION

If you wish to appeal a decision in this letter, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing:
  - appellant name,
  - applicant or service provider name, if different than appellant,
  - applicant BEN and service provider SPIN,
  - Form 500 number as assigned by USAC,
  - Funding Request Number(s) (FRNs) you are appealing if provided in the letter,
  - "Form 500 Notification Letter for FY 2011," AND
  - the exact text or the decision that you are appealing.
3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to USAC by email, email your appeal to [appeals@sl.universalservice.org](mailto:appeals@sl.universalservice.org). USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to us by fax, fax your appeal to (973) 599-6542.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal  
Schools and Libraries Division - Correspondence Unit  
30 Lanidex Plaza West  
PO Box 685  
Parsippany, NJ 07054-0685

For more information on submitting an appeal to USAC, please see the "Appeals Procedure" posted on our website.

Schools and Libraries Division  
Universal Service Administrative Company



FORM 500 NOTIFICATION LETTER REPORT  
(Funding Year 2011)

Funding Request Number (FRN): 2218045  
Form 471 Application Number: 815356  
Service Provider Name: Insight Public Sector Inc  
Service Provider Identification Number (SPIN): 143030052  
Billing Account Number: 361-279-3382  
Contract Expiration Date Change: 09/30/2016





**EXHIBIT 10**

**FRN Status from USAC Data Retrieval Tool**

471 Application Number	FRN	Applicant Name	BEN	Applicant City	Applicant State	Applicant Zip Code	Service Provider Name	Commitment Status	Funding Year	FCDL Date	Contract Exp Date	Last Date to Invoice	Orig FRN Service Type	Committed Amount	Invoicing Mode	Total Authorized Disbursement
815356	2218045	SAN DIEGO INDEP SCHOOL DIST	141610	SAN DIEGO	TX	78384	Calence, LLC	FUNDED	2011	12/12/2012	9/30/2016	1/28/2014	INTERNAL CONNECTIONS	\$718,197.66	SPI	\$210,366.75